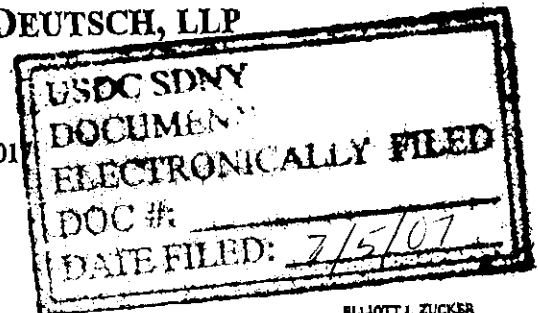


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July 5, 2007

HONORABLE ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
DANIEL PATRICK MOYNIHAN UNITED
STATES DISTRICT COURT
500 Pearl Street, Room 1370
New York, N.Y. 10007

Re: **Sakif, et al. v. United States**
Federal Docket No.: 06-CIV-2719 (AJP)
Our File No.: 0063-063

MEMO ENDORSED 7/5/07

*Can't find where letter is to
Honor's desk by 7/5/07 -
so letter can now be found
by 7/5/07.*

SO ORDERED:

[Signature]
Hon. Andrew Jay Peck
United States Magistrate Judge

BY FAX

Dear Judge Peck:

When I last wrote to Your Honor on June 29, 2007, I indicated that the hospital would try to inform the court by the end of this week with regard to whether it was going to appeal to the court itself the Department of Health and Human Services' recent decision denying Bronx Lebanon's request for reconsideration of its FTCA coverage decision (the court will note that, as of this writing, the hospital *still* has yet to receive a copy of HHS's decision directly from the government). Unfortunately, when I wrote that letter, I mistakenly failed to take into account the vacation schedules of the individuals who are making the decision with regard to whether to appeal. The relevant individuals at the hospital have been on vacation all of this week, and I myself will be out of the office next week. I therefore will not be able to inform the court with regard to the decision regarding a judicial appeal until the beginning of the week of July 16, 2007. I thank the court for its understanding, and apologize for my previous miscommunication.

Respectfully yours,

[Signature]
ELLIOTT J. ZUCKER
EJZ:rt

-2-

July 5, 2007

RE: SAKIF V. UNITED STATES OF AMERICAVIA FAX:

cc: PEGALIS & ERICKSON (516) 684-2939
Attn: Rhonda L. Meyer

UNITED STATES ATTORNEYS OFFICE (212) 637-2750
Attn: Matthew L. Schwartz

DWYER & TAGLIA (212) 227-6050
Attn: Peter Taglia Esq.

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: July 5, 2007

Total Number of Pages: 3

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Matthew L. Schwartz, Esq.	212-637-2750
Rhonda L. Meyer, Esq.	516-684-2939

TRANSCRIPTION:

MEMO ENDORSED 7/5/07

Counsel is to advise the Court of the Hospital's decision by no later than 7/18 – so this case can move forward one way or another.